

City of San Diego

**COUNCILMEMBER SCOTT PETERS
DISTRICT ONE**

M E M O R A N D U M

DATE: September 21, 2004

TO: Casey Gwinn, City Attorney

FROM: Councilman Scott Peters

SUBJECT: Eduardo Rodriguez and Illegal Grading at 14680 Thebes Street

This summer the residents of Thebes Street in Rancho Peñasquitos marked an inauspicious anniversary. Ten years ago Eduardo Rodriguez commenced grading his property at 14680 Thebes Street without obtaining a grading permit. Not only did he extensively alter the property that summer in 1994, but residents have documented additional grading and alteration from that time to the present.

I understand that this case remains active so I will only ask for an update on the progress of your prosecution of this case and pass along the concerns of the residents on and around Thebes Street whom I represent on the City Council. Over the almost four years I have been in office, I have heard from many Peñasquitos residents from that area and the Rancho Peñasquitos Planning Board regarding their concerns about the complete disregard Mr. Rodriguez has shown for the law and their shock and dismay about the length of time that it is taking for the city resolve this issue.

Two residents in particular, Pence Parsons and Fred MacManus, have been closely following this case since its inception. They have assembled an extensive case file and have made several contacts with your office and Neighborhood Code Compliance. From their investigation, they recommend two courses of action that I would like to pass along. They are: 1) initiate contempt proceedings based upon the activities conducted by Eduardo Rodriguez on July 24, 2004. 2) require Eduardo Rodriguez by Order (Judgment) of the Court to restore (at his own expense) his land to its original configuration, including complete re-vegetation. To explain their second recommendation, they refer to the Reporter's Transcript of the Court hearing held on May 31, 2000 in which Susan Cola clarifies that the grading sections of the Municipal Code are "incorporated by reference." Specifically, they point out that Municipal Code Chapter 12, Article 9, Division 6 and Chapter 14, Article 2, Division 1 are both applicable to the Rodriguez activities.

Thank you in advance for your attention to the concerns of the residents who have waited ten years to have this issue resolved. Please contact Tyler Sherer at 236-6979 if you have any questions regarding my request.

SHP:tjs